

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UMG RECORDINGS, INC., a Delaware Corporation; WARNER BROS. RECORDS INC., a Delaware Corporation; CAPITOL RECORDS, LLC, a Delaware Limited Liability Company; INTERSCOPE RECORDS, a California General Partnership; MAVERICK RECORDING COMPANY, a California Joint Venture; and ATLANTIC RECORDING CORPORATION, a Delaware Corporation,

Plaintiffs,

V.

HERIBERTO ULTRERAS,

Defendant.

CASE NO. 8:08CV104

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

The Plaintiffs' Complaint that alleges copyright infringement was filed on March 11, 2008. Defendant Heriberto Ultreras was served with process by substituted service on July 5, 2008. (Filing No. 11). Upon the Plaintiffs' motion, entry of default was made by the Clerk of the Court. (Filing No. 13). The matter is now before the Court on the Plaintiffs' Motion For Default Judgment (Filing No. 14), which is supported by Plaintiffs' brief and the Declaration of David V. Clark. (Filing Nos. 15 and 16-2). Plaintiffs seek default judgment, minimum statutory damages, permanent injunctive relief, and costs from the Defendant.

I have reviewed the matter, and I find that the Plaintiffs have complied with Fed. R. Civ. P. 55 and NECivR 55.1(c). “A default judgment entered by the court binds the party facing the default as having admitted all of the well pleaded allegations in the plaintiff's

complaint.” *Angelo lafrate Const., LLC v. Potashnick Const., Inc.*, 370 F.3d 715, 722 (8th Cir. 2004). Based on the facts as alleged in the Complaint and in the Clark Declaration,

IT IS ORDERED, ADJUDGED AND DECREED:

1. Plaintiffs’ Motion for Default Judgment (Filing No. 14) is granted;
2. Default Judgment is entered in favor of the Plaintiffs and against Defendant Heriberto Ultreras, as follows:
 - a. Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint (Filing No. 3), in the total principal sum of Six Thousand Dollars (\$6,000.00);
 - b. Defendant shall pay Plaintiffs' costs of suit in the amount of Four Hundred Eighty Dollars (\$480.00);
 - c. Defendant is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:
 - "Adam's song," on album "Enema of the State," by artist "Blink-182" (SR# 279-826);
 - "For My Dogs," on album "It's Dark And Hell Is Hot," by artist "DMX" (SR# 252-613);
 - "A Place For My Head," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
 - "Sex and Candy," on album "Marcy Playground," by artist "Marcy Playground" (SR# 240-954);
 - "Faith," on album "Three Dollar Bill, Y'all\$," by artist "Limp Bizkit" (SR# 238-798);

- "Far Behind," on album "Candlebox," by artist "Candlebox" (SR# 171-393);
- "I'm A Thug," on album "Thugs Are Us," by artist "Trick Daddy" (SR# 303-748);
- "Takeover," on album "The Blueprint," by artist "Jay-Z" (SR# 301-441);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED this 24th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge